

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY JASON DYNES, et al.,  
Plaintiffs,  
v.  
UNITED STATES OF AMERICA,  
Defendant.

Case No. 1:21-cv-00338-JLT-EPG

ORDER MODIFYING SCHEDULING  
ORDER AND DENYING REQUEST FOR A  
RULE 35 EXAMINATION WITHOUT  
PREJUDICE  
(ECF No. 17)

Before the Court is the parties' stipulation to modify the Scheduling Order due to delays obtaining discovery from a third party and scheduling an expert examination of Plaintiff Timothy Dynes. (ECF No. 17.)<sup>1</sup>

Having considered the parties' stipulation, IT IS HEREBY ORDERED that the Scheduling Order (ECF No. 10) is modified as follows:

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<sup>1</sup> The stipulation further states that the parties agree Plaintiff Timothy Dynes will submit to an independent medical examination under Federal Rule of Civil Procedure 35, but it is not clear if they are requesting an order from the Court requiring Mr. Dynes to submit to the examination. (ECF No. 17.) Rule 35 requires a court order for examination to specify the time, place, manner, conditions, and scope of examination, as well as the person or persons who will perform it. Fed. R. Civ. P. 35(a)(2)(B). The parties have not provided this information in their stipulation. If the parties request an order from the Court requiring Mr. Dynes to submit to a medical examination, they should file a stipulation that complies with Rule 35(a)(2)(B).

Event	Deadline/Date
Plaintiff's Expert Disclosure:	June 29, 2022
Defendant's Expert Disclosure:	August 29, 2022
Expert Discovery Cutoff:	November 16, 2022
Dispositive Motion Deadline:	December 21, 2022

The pretrial conference remains set for March 1, 2023 in Courtroom 4 (DAD) before District Judge Dale A. Drozd. No trial date has been set. All other terms and conditions of the Scheduling Order (ECF No. 10) remain in full force and effect.

IT IS SO ORDERED.

Dated: May 20, 2022

/s/ *Evan P. Groj*  
UNITED STATES MAGISTRATE JUDGE